

MESSAGE NO: 7170304 MESSAGE DATE: 06/19/2017

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 5152304
MESSAGE #
(s):
CASE #(s): C-570-011

EFFECTIVE DATE: 06/19/2017 COURT CASE #: 15-00071

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/10/2014 TO 12/31/2015

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation for certain crystalline silicon photovoltaic products from the PRC for Suniva, Inc. (C-570-011), Court #15-00071

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 05/16/2017, the U.S. Court of International Trade (CIT) dismissed the case of Suniva, Inc. v. United States (Court No. 15-00071). As a result of the CIT's decision, the injunction to which message number 5152304, dated 06/01/2015, refers dissolved on 05/16/2017. That injunction enjoined liquidation of entries which are subject to the countervailing duty order on certain crystalline silicon photovoltaic products from the People's Republic of China, case number C-570-011 which: (i) were imported into the United States by Suniva, Inc.; and (ii) were entered, or withdrawn from warehouse, for consumption on or after 06/10/2014 through 10/07/2014 and 02/10/2015 through 12/31/2015; and (iii) remained unliquidated as of 5 o'clock p.m. on 05/29/2015.

2. For all shipments of certain crystalline silicon photovoltaic products from the People's Republic of China imported by Suniva, Inc. that are described in paragraph 1, liquidate and assess countervailing duties at the cash deposit rate in effect on the date of entry.

Note: entries may have entered under C-570-011-000.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension of liquidation occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of certain crystalline silicon photovoltaic products from the People's Republic of China, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

4. The injunction applicable to the entries covered by this instruction has dissolved. See paragraph 1.

5. The assessment of countervailable duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailable duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailable duties before the date of publication of the countervailable duty order. Interest shall be calculated from the date payment of estimated countervailable duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:GHC.)

7. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party